

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

WHEREAS Dionex Corporation ("Dionex") and Alltech, Inc., ("Alltech") have entered into a confidential settlement, which provides a basis for conclusion of these actions;

THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, through their counsel of record, that:

1. All claims, defenses, and counterclaims in Case No. C03-1788 SBA are hereby dismissed with prejudice, except Alltech's counterclaims of invalidity which are dismissed without prejudice. However, it is expressly understood that neither Party is admitting the validity or invalidity of any patent, or its direct, contributory, or inducement of infringement or non-infringement of any patent, or any issue relating to the above-captioned action. It is further expressly understood that neither Party is waiving or has waived any claim, affirmative defense or contention that any patents are valid, invalid, enforceable or unenforceable, including any claim, affirmative defense or contention based upon the factual allegations made in the above captioned-action. Each Party expressly reserves such issues, contentions, claims and/or defenses.

1 2. The parties do not accept, admit, or waive any issue, matter, or position
2 raised in or relating to these above-captioned actions.

3 3. Each Party shall bear its own attorneys' fees and costs of suit.

4 4. This court shall retain jurisdiction subject to the condition that any

5 motions filed relating to settlement can be referred to a magistrate for disposition.

6 Pursuant to Fed. R. Civ. P. 73(b), the parties consent that all proceedings concerning
7 the enforcement of the parties' settlement shall be conducted before a Magistrate Judge
8 designated by the Court.

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10 Dated: October 7, 2005

DORSEY & WHITNEY LLP

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13 By: _____ /s/
14 David J. Brezner
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16 Dated: October 7, 2005

BRINKS HOFER GILSON & LIONE

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18 By: _____ /s/
19 Ralph J. Gabric
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21 ORDER

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23 IT IS SO ORDERED this 11th day of October, 2005.

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26 Saundra B. Armstrong
27 United States District Judge
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